

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Judgment Reserved on : January 20, 2016*
Judgment Delivered on : February 10, 2016

+ **LPA 363/2015**

KALPANA MEHDIRATTA Appellant
Represented by: Ms.Jyoti Singh, Sr.Advocate
instructed by Ms.Tinu Bajwa,
Mr.Sameer Sharma, Mr.Padma K.
and Mr.Parveen Mehndiratta,
Advocates

versus

AIR FORCE BAL BHARATI SCHOOL & ORS. Respondents
Represented by: Ms.Rekha Palli, Sr.Advocate
instructed by Ms.Garima Sachdeva
and Ms.Shruti Munjal, Advocates for
R-1 & R-2
Mr.Anuj Aggarwal, ASC with
Mr.Shubhanshu Gupta, Advocate for
R-3
Ms.Saahila Lamba, Advocate for R-4

CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MS. JUSTICE MUKTA GUPTA

PRADEEP NANDRAJOG, J.

1. The controversy involved in the above captioned intra-court appeal relates to the appointment to the post of Vice-Principal in Air Force Bal Bharati School (hereinafter referred to as the 'School'), a school recognized

by the Directorate of Education, Government of NCT of Delhi as per the provisions of the Delhi School Education Act, 1973 and the Rules framed thereunder.

2. The appellant was appointed to the post of TGT (English) on July 13, 1983 in the school and earned promotion to the post of PGT (English) on April 02, 1991. The respondent No.4 was (directly) appointed to the post of PGT (Commerce) on July 23, 1990. Meaning thereby, that respondent No.4 was senior to the appellant (on the post of PGT) by a period of about nine months.

3. In the year 2013 a vacancy arose to the post of Vice-Principal in the school, the Recruitment Rule of which post for those working in the Government Aided School and Recognized School in the Union Territory of Delhi prescribes as under:-

Name of the post 1	Scale of pay 2	Whether Selection or Non-Selection 3	Age limit for 4	Educational Qualifications 5
Vice Principal	₹650-30-710-35-870 EB-35-800 40-1580- EB-40-1200	Selection	a. Not exceeding 45 years relaxable by 5 years for candidate belonging to scheduled Caste scheduled Tribes b. Relaxable to the candidates belonging to	a. Master's degree with atleast second division from a recognized university or equivalent. Condition of second division relaxable in case of candidates belonging to the same school and also in case of scheduled castes

			the same school	and scheduled Tribes. b. Degree in Teaching education from a recognized university or equivalent c. 10 years experience of teaching as TGT or five year experience of teaching as PT, PGT. i) experience in administrative charge of 5 recognized High/Sr. Sec School/intermediate college ii) Doctorate Degree iii) M. Ed from a recogd. University.
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Whether age and educational Qualifications prescribed for direct recruitment will apply in	Period of Probation	Method of rectt.	In case of rectt. By promotion/deputati on/transfer/grades from which promotion/deputati on/transfer to be made	If a Selection Committee exists what is it composition
	7	8		10

case of promotion 6			9	
i) Age No ii) Qualification except as appointed in college	One year	By promotion failing which by direct recruitment	i) Promotion out of PGT/HM of the same School with atleast 5 years experience as PGT/HM ii) TGT with 10 years experience as TGT in case of ST. Schools.	The Selection Committee prescribed under the Education Act and Rules

4. The same Recruitment Rules being applicable to a recognized private school, the respondent No.1 school commenced the process of appointment by promotion to the post Vice-Principal in its school.

5. Nine teachers working as PGT which included the appellant and respondent No.4 applied.

6. The Departmental Promotion Committee (DPC) interviewed the nine candidates on November 11, 2013 and recommended the name of respondent No.4 to be appointed as the Vice-Principal.

7. The appellant filed a writ petition assailing the recommendation made by the DPC, and by which time respondent No.4 had been appointed as the Vice Principal. Succinctly put she attacked the promotion of respondent No.4 on the following grounds:-

a) The post of Vice-Principal is a '*selection*' post, meaning thereby, the post has to be filled up by a comparative assessment on merit of all eligible candidates and not on the basis of continuous length of service of

candidates. She alleged that the DPC had given a go-by to the merit of candidates and had selected respondent No.4 purportedly because said respondent was senior to the appellant by about 9 months.

b) That she was more meritorious in view of the data provided by her in a comparative chart annexed by her to the writ petition which evinced she having better ACR grading for the last ten years.

c) Respondent No.4 had been absent from service which was not regularized and this would mean that she would be having a break in service and thereby would become junior to the appellant.

8. In the counter affidavit the respondent No.1 justified appointing respondent No.4 to the post of Vice-Principal by denying that the appellant was far meritorious than respondent No.4 or that there was any break-in-service of respondent No.4. As per respondent No.1 the DPC considered overall grading, performance and length of service (seniority) of all candidates.

9. It would therefore be important as also necessary for us to reproduce the minutes of the meeting of the DPC held on November 11, 2003, relevant portion whereof reads as under:-

**“MINUTES OF THE DEPARTMENTAL PROMOTION
COMMITTEE MEETING OF AIR FORCE BAL
BHARATI SCHOOL, LODI ROAD, NEW DELHI.03
HELD ON 11 NOV 2013 AT 1130 HOURS IN THE
SCHOOL PREMISES**

1. *The Departmental Promotion Committee Meeting for the post of Vice Principal of Air Force Bal Bharati School was held on 11 Nov 2013 at 1130 hrs in the school premises (Principal's office).*

2. *The following were present:*

Air Cmde HN Bhagwat VM : *Chairman*
Chairman, Managing Committee

Wg Cdr A Monga,
Executive Director, AFBBS : *Member*

Mr. Anand Swaroop,
Principal, AFBBS : *Member*

PROCEEDINGS:

3. A meeting of the Departmental Promotion Committee was convened on 11 Nov 2013 at 1130 hrs in order to discuss/consider the eligible staff members for the post of Vice Principal on account of superannuation of Mrs. Annu Mathur on 30 Nov 2013.

4. At the out-set the Principal welcomed Air Cmde HN Bhagwat VM, Chairman, Managing Committee and Wg Cdr A Monga, Executive Director, AFBBS and stated that eligibility of individual candidate under the consideration of DPC has been examined. He further stated that there is no departmental inquiry against any candidate presently under consideration of DPC. The following candidates were interviewed by the panel:-

<i>S. No</i>	<i>Name</i>	<i>Qualification</i>	<i>S. No</i>	<i>Name</i>	<i>Qualification</i>
1.	<i>Mr. Yogesh Arora PGT Engg Drawing</i>	<i>B Sc (PCM) AMIETE (BE)</i>	6.	<i>Mr.DK Chaudhary PGT Maths</i>	<i>B Sc, M Sc (Maths) B Ed</i>
2.	<i>Mrs. Sunita Gupta (Respondent No.4)</i>	<i>B Com (H) M Com & B Ed</i>	7.	<i>Mr. G S Patwal PGT Physics</i>	<i>B Sc, M Sc (Phy) B Ed</i>

	<i>PGT Commerce</i>				
3.	<i>Mrs. K Mehdiratta (Appellant)</i>	<i>B A (H), M A (Eng) & B Ed</i>	8.	<i>Mr. JR Chaudhari PGT Fine Arts</i>	<i>B F A & M V A</i>
4.	<i>Mrs. Mani Shankara PGT History</i>	<i>B A, M A (Eng) MA (His), B Ed</i>	9.	<i>Mrs. Rupa Chatterji PGT English</i>	<i>B A, M A (Eng), B Ed</i>
5.	<i>Mr. E T Mani PGT English</i>	<i>B A, M A (Eng) B Ed., M Ed</i>			

7. The DPC rules in conformity with para 6 Rule 96 of DSEAR 1973:

(a) *The candidate should have completed at least 5 years of school services as a regular employee in AFBBS.*

(b) *Perusal of Annual Confidential Reports for five preceding years. The Committee also deliberated on the broad guidelines as are laid down to regulate the assessment of suitability of the candidate “While merit has to be recognized and rewarded, advancement in an officers career should not be regarded as a matter of course, but should be earned by dint of hard work, good conduct and result oriented performance as reflected in the annual confidential reports and based on strict and rigorous selection process”. The Committee has also taken note of the fact that average performance should be regarded as routine and undistinguished. The annual reports of candidates needs to be examined and perused in totality which means that overall grading alone should not be the guiding factor. Cognizance also must be taken of with regard to entries made in the Annual Confidential Reports.*

(i) *The mode of promotion shall be ‘selection’.*

(ii) *The benchmark for promotion, as it now, shall continue to be 'Good'.*

(e) *Seniority be given due weightage.*

8. *The deliberation on each candidate were conducted covering the following points/aspects:-*

- (a) *Annual Confidential Reports for five preceding years.*
- (b) *Personality*
- (c) *Extra-Curricular activities/contribution*
- (d) *Residual Service*
- (e) *Popularity amongst the staff*
- (f) *Attitude/Behavior towards fellow employees.*

9. *All the nine candidates who had submitted their consent, appeared for the interview before the DPC. The Committee after pursuing their ACRs, deliberated the broad guidelines laid down to regulate the assessment and the suitability of the candidate for Departmental promotion. After due deliberation it was unanimously decided by the Committee to promote **Mrs Sunita Gupta, PGT (Commerce)** for the post of **Vice Principal**. The consolidated Assessment Sheet is annexed as Annexure 'A'.*

10. The Consolidated Assessment Sheet, referred to in the minutes of the meeting of the DPC reads as under:-

S. No.	Name of the Staff & Designation	Date of Birth	Date of Appt	Experience in AFBBS	Date of superannuation	Qualification	Div	Annual Confidential Report	Remarks
1.	Mr. Yogesh Arora PGT Engg Drawing	25 Oct 1954	Aug 1977-95	18 year 06 months	31 Oct 14	B Sc (PCM) (1976) AMIET E (BE) (1982)	III	2008-09 – 2009-10 – 2010-11 – 2011-12 – 2012-13 -	55

2.	Mrs. Sunita Gupta (Respondent No.4) PGT Commerce	16 Sep 1965	23 July 90	23 years	30 Sep 25	B Com (H) (1986) M Com (1988) B Ed (1989)	II (54 %) II (55 %) I (53 %)	2008-09 – Good 2009-10 – VG 2010-11 – Good 2011-12 – VG 2012-13 – VG	115
3.	Mrs. K. Mehdiratta (Appellant) PGT Eng	04 Oct 1959	13 Jul 83 (TGT) 02 Apr 91 (PGT)	08 yrs 22 yrs	31 Oct 19	B A (H) (1979) M A (Eng) (1981) B Ed (1982)	III (47 %) II (“B”) I (64 %)	2008-09 – Good 2009-10 – OS 2010-11 – VG 2011-12 – Good 2012-13 – VG	111
4.	Mrs. Mani Shankara PGT History	18 Jun 1958	03 July 95 (PGT)	18 yrs	30 Jun 18	BA (1976) MA (Eng) (1978) M A (History) (1980) B Ed (1987)	II (50 %) I (61 %) I (62 %)	2008-09 – Good 2009-10 – Good 2010-11 – Good 2011-12 – Good 2012-13 – VG	106
5.	Mr. E T Mani PGT English	18 Jun 1962	11 July 90 (TGT) 21 July 97 (PGT)	07 yrs 16 yrs	30 Jun 22	B A (1982) M A (Eng) (1984) B Ed (1989) M Ed (1999)	I (60 %) I (63 %) II (63 %) II	2008-09 – Good 2009-10 – Good 2010-11 – Good 2011-12 – VG 2012-13 – Good	111

							(58 %)		
6.	Mr. DK Chaudhary PGT Maths	19 July 1965	05 Aug 02	11 yrs	31 Jul 25	B Sc (Maths) (1988) M Sc (Maths) (1991) B Ed (1992)	I (63 %) II (58 %) II (55 %)	2008-09 – Good 2009-10 – Good 2010-11 – Good 2011-12 – Good 2012-13 – Good	103
7.	Mr. G S Patwal PGT Physics	24 May 1973	12 July 04 (PGT)	09 yrs	31 May 33	B Sc (1993) M Sc (Phy) (1995) B Ed (1996)	I (60 %) I (63 %) II (59 %)	2008-09 – VG 2009-10 – VG 2010-11 – VG 2011-12 – VG 2012-13 – VG	105
8.	Mr. JR Chaudhary PGT Fine Arts	16 Aug 1976	06 Nov 06 (PGT)	07 yrs	31 Aug 36	B F A (1988) M V A (2000)	I (67 %) I (61 %)	2008-09 – VG 2009-10 – VG 2010-11 – VG 2011-12 – VG 2012-13 – VG	100
9.	Mrs. Rupa Chatterji PGT English	18 Aug 1958	03 Oct 96 (TGT) 01 Apr (PGT)	12 yrs 5 ½ yrs	31 Aug 18	B A (1993) M A (Eng) (1993) B Ed (1985)	II (54 %) II (55 %) II (53 %)	2008-09 – VG 2009-10 – OS 2010-11 – VG 2011-12 – VG 2012-13 –	112

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11. In the rejoinder the appellant relied upon an Office Memorandum dated March 10, 1989 issued by Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India which prescribes the procedure to be observed by Departmental Promotion Committee, the relevant portion reads as under:-

“2.1.1 Selection Method

2.1.2. At present DPCs enjoy full discretion to devise their own methods and procedures for objective assessment of the suitability of candidates who are to be considered by them. In order to ensure greater selectivity in matter of promotions and for having uniform procedures for assessment by DPCs, fresh guidelines are being prescribed. The matter has been examined and the following broad guidelines are laid down to regulate the assessment of suitability of candidates by DPCs.

2.1.3 While merit has to be recognized and rewarded, advancement in an officer’s career should not be regarded as a matter of course but should be earned by dint of hard work, good conduct and result oriented performance as reflected in the annual confidential reports and based on strict and rigorous selection process.

2.2.1 Confidential Rolls are the basic inputs on the basis of which assessment is to be made by each DPC. The evaluation of CRs should be fair, just and non-discriminatory. Hence –

(a) The DPC should consider CRs for equal number of years in respect of all officers considered for promotion subject to (c) below

(b) The DPC should assess the suitability of the officers for promotion on the basis of their service record and with particular reference to the CRs for 5 preceding years. However, in cases where the required qualifying service is more than 5 years, the DPC should see the record with particular reference to the CRs for the years equal to the required qualifying service. (If more than one CR has been written for a particular year, all the CRs for the relevant year shall be considered together as the CR for one year.

(e) The DPC should not be guided merely by the overall grading, if any, that may be recorded in the CRs, but should make its own assessment on the basis of the entries in the CRs, because it has been noticed that some times the overall grading in a CR may be inconsistent with the grading under various parameters or attributes.”

probably to bring home the point that the DPC had not followed the procedure prescribed by the said office memorandum.

12. Vide impugned judgment dated April 08, 2015 the learned Single Judge has dismissed the writ petition filed by the appellant. In so concluding, the learned Single Judge has held as follows:-

a) A perusal of the proceedings of the DPC shows that the DPC had acted in conformity with the provisions of the Delhi School Education Act, 1973 and the Rules framed thereunder and had graded the eligible candidates on the basis of several criteria, such as (a) ACRs for five years, (b) personality, (c) extra-curricular activity/contribution, (d) residual service, (e) popularity amongst the staff and (f) attitude/behavior towards fellow employees while making selection to the post of Vice-Principal.

(b) There is nothing in the proceedings of the DPC to show that the DPC had adopted the seniority of the candidate as the sole criterion for making

selection to the post of Vice-Principal.

(c) There is no provision in the Delhi School Education Rules, 1973 which requires the DPC to make the selection to the post of Vice-Principal only on the basis of merit and totally discard the seniority of the candidates. On the contrary, the rules followed by DPC prescribed that seniority of candidates would be given due weightage.

(d) There is nothing on record to shows that the respondent No.4 had been preferred over the appellant solely on the basis of her seniority.

(e) The appellant had not pleaded bias against any particular member of the DPC, but had made allegations of bias against the DPC as a body and since she had not impleaded the members of the DPC as respondents the writ petition had to be dismissed.

(f) No material was shown wherefrom bias of the members of the DPC could be inferred.

(g) It is settled legal position that the Courts cannot sit in judgment over the assessment of candidates made by the DPC and substitute its findings, unless it is shown that DPC had acted in brazen disregard to the rules governing the selection or had acted with oblique motives or the proceedings of the DPC were vitiated.

(h) In the present case, the appellant has failed to point out any irregularity either in the constitution of the DPC or the procedure adopted by the DPC.

13. Ms.Jyoti Singh learned senior counsel for the appellant had argued that an analysis of the chart prepared by the appellant and filed along with the writ petition would show that the appellant was more meritorious than respondent No.4, according to learned senior counsel this was apparent from

the fact that the appellant had better ACR gradings in the last preceding 5 years' assessment. Learned senior counsel argued that the DPC had itself recorded, at serial No.8 of its minutes that candidates would be evaluated on six parameters and bias was apparent from the fact that against the six parameters marks allotted were not recorded. Learned senior counsel relied upon the decision of Supreme Court reported as (1971) 2 SCR 430 A. Peeriakaruppan etc vs. State of Tamil Nadu & Ors. to buttress the argument that if parameters on which evaluation had to be done was indicated then it was the duty of the members of the DPC to record individual marks against each parameter.

14. The original record of the DPC was not produced before us inspite of directions as learned senior counsel for respondent No.1 informed that it was not traceable and thus we proceed on the basis that the members of the DPC did not allot the separate marks for the six criteria with reference whereto the candidates had to be assessed.

15. Learned counsel(s) for the school and respondent No.4 justified the recommendations of the DPC and argued that non-allocation of separate marks for each of the six criteria on which the candidates were assessed by the DPC had no bearing on the validity of the selection made by DPC. Learned counsel placed reliance upon the decisions of Supreme Court reported as (2001) 8 SCC 119 Nilangshu Bhusan Basu vs. Deb K. Sinha & Ors., (1986) 1 SCC 671 Dr. Keshav Ram Pal vs. U.P. Higher Education Services Mission, Allahabad & Ors., AIR 1981 SC 1777 Lila Dhar vs. State of Rajasthan and (1976) 4 SCC 153 State of Karnataka & Anr. vs. M. Farida & Ors.

16. From a review of judicial pronouncements on the subject, following

legal principles relating to judicial review of assessment/selection made by a Departmental Promotion Committee (DPC) can be culled out:-

I The function of the Selection Committee is neither judicial nor adjudicatory. It is purely administrative.

II The Courts are not expected to play the role of an appellate authority or an umpire in the acts and proceedings of the DPC and that it could not sit in judgment over the selection made by the DPC unless the selection is assailed as being vitiated by mala-fides or on the ground of it being arbitrary.

III It is not the function of the Courts to hear appeals over the decisions of the Selection Committee and to scrutinize the relative merit of the candidates. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject.

IV It is not the function of the Court to assess the service record of an employee and order his promotion on that basis. It is for the DPC to evaluate the same and make recommendation for promotion based on such evaluation.

V It is exclusively the function of the Selection Committee to decide what norms are to be applied in making an assessment inasmuch as jurisdiction to make a selection is vested in the Selection Committee.

VI Where selection has been made by the assessment of relative merits of rival candidates determined in the course of interview of candidates possessing the required eligibility and no rule or regulation is brought to the notice of Court requiring the Selection Committee to record reasons, the Selection Committee is under no legal obligation to record reasons in

support of its decision of selecting one candidate in preference to other.

VI Even the principles of natural justice do not require a Selection Committee to record reasons for the selection or non-selection of a candidate in the absence of a statutory requirement.

VII The Selection Committee is required to make an overall assessment of the confidential report dossiers of the officers in the zone of consideration. It is not required to evaluate confidential report dossier of an individual in isolation. (The above principles have been culled out from the decisions of Supreme Court reported as 1992 Supp (2) SCC 481 *Institute of Mental Health and Neuro Sciences vs. Dr.K. Kalyana Raman & Ors*, (1996) 4 SCC 64 *Ramanand Prasad Singh & Anr vs. Union of India & Ors*, 1997 (1) SLR 153 *Smt. Anil Katiyar vs. Union of India & Ors*, AIR 1990 SC 434 *Dalpat Abasaheb Solanke vs. B.S. Mahajan*, (1996) 2 SCC 488 *Nutan Arvind vs. Union of India* and JT 1992 (5) SC 633 *State of Madhya Pradesh vs. Shrikant Chapeker*).

17. In the instant case, no cogent reason/material has been given by appellant to demonstrate as to how the selection of respondent No.4 to the post of Vice-Principal made by DPC is faulty. A perusal of minutes of meeting of the DPC held on November 11, 2013 shows that the DPC assessed the candidates on following six criteria:- (i) Annual Confidential Reports for five preceding years; (ii) Personality; (iii) Extra-Curricular activities/contribution; (iv) Residual Service; (v) Popularity amongst the staff and (vi) Attitude/Behaviour towards fellow employees. Merely because appellant would have secured better marks than respondent No.4 in one of the six criteria i.e. Annual Confidential Reports for five preceding years do not necessarily imply that the appellant was a better candidate than the

respondent No.4 for the post of Vice-Principal. The self-serving chart placed on record by the appellant comparing her performance with that of respondent No.4 does not come to the rescue of appellant, particularly when we find that appellant has given no particulars whatsoever of the so-called bias of members of DPC against her.

18. Pertaining to the issue whether the DPC was obliged to give separate marks against the six criteria, we find that in Peeriakaruppan's case (supra), relied upon by the appellant, selection of candidates to various medical colleges in the State of Tamil Nadu on the basis of marks awarded to the candidates by the Selection Committee at the interview was questioned. The Selection Committee was authorized to allocate a maximum of 75 marks at the interview on the basis of the following five criteria:- (i) Sports or National Cadet Corps Activities; (ii) Extra Curricular special services; (iii) General physical condition and endurance; (iv) General ability and (v) Aptitude. The Selection Committee did not give separate marks for the five criteria. It was in this contest, the Supreme Court observed as follows:-

“We may note that the committee had not divided the interview marks under various heads nor were the marks given on itemized basis. The marks list produced before us shows that the marks were given in a lump. This is clearly illegal.”

19. The aforesaid observations made in Peeriakaruppan's case (supra) were examined by a Constitution Bench of Supreme Court in M. Farida's case (supra) wherein it was held as follows:-

“5. Whether a block mark should be given after interview on a consideration of the qualities evinced by a candidate or marks are to be allotted separately under each head

*depends, in our opinion, upon the rule regulating the examination. In Periakaruppan's case it was held that the intention of the Government was that each of the specified qualities should carry equal marks. In these appeals we have not been called upon to decide whether the rule concerned in Periakaruppan's case was correctly interpreted. We do not however think that it would be correct to assume as a general proposition that in every case where the interviewing body is asked to take into consideration several specific qualities, they must be of equal value and separate marks should be allotted under each head; on the contrary, in our opinion, where the rules do not contain a clear direction, it would be reasonable to suppose that the intention is that there should be a block assessment on an integrated test.” (**Emphasis Supplied**)*

20. In said regards, following observations were made by a three-Judge Bench of the Supreme Court in Lila Dhar's case (supra):-

*“It is true that in Periakaruppan's case the court held that the non-allocation of marks under various heads in the interview test was illegal but that was because the instructions to the Selection Committee provided that the marks were to be awarded at the interview on the basis of five distinct tests. It was thought that the failure to allocate marks under each head or distinct test was an illegality. But, in the case before us, the rule merely and generally indicates the criteria to be considered in the interview test into distinct, if we may so call them, sub-tests.” (**Emphasis Supplied**)*

21. A similar view was taken by the Supreme Court in Arun Kumar's case (supra).

22. We may also note that in Nilganshu's case (supra) a similar contention advanced by non-selected candidates, that no break-up of the marks at the interview had been made for different factors taken into

consideration for selecting a candidate, was repelled in the following terms:-

“We find no substance in this submission also. The Selection Committee awarded the marks to the different candidates as would be evident on a perusal of the judgment of the High Court. The selected candidate had got the highest marks. The selection was by the Public Service Commission. All the candidates responded to the qualifications as prescribed. In our view the selection cannot be thrown out merely on such contentions as raised by the petitioners viz. there was no break up of marks or it was not as it should have been according to the petitioners. All candidates possessed the required qualifications and experience, and they must have been working in different organizations. The assessment of their merit on the basis of their work and experience and personal interview by the expert body cannot be discarded on such grounds. The SLP has thus no force.” (Emphasis Supplied)

23. The ratio which can be culled out from above decisions is thus: ‘*In the absence of statutory requirement, there is no obligation on the Selection Committee to award separate marks for each of criteria on which it assesses a candidate.*’

24. In the instant case, no statutory requirement has been pointed to us requiring the DPC to award separate marks for each of the criteria on which it had assessed the candidates while making selection to the post of Vice-Principal. As a necessary corollary thereof, the action of the DPC of not allocating separate marks for each of the six criteria on which it had assessed the candidates cannot be faulted.

25. In view of legal principles culled out by us above, particularly the principle that it is not the function of the Courts to hear appeals over the decisions of the Selection Committee and to scrutinize the relative merit of

the candidates, we find no merit in the present appeal. The same is hereby dismissed.

26. No costs.

(PRADEEP NANDRAJOG)
JUDGE

(MUKTA GUPTA)
JUDGE

FEBRUARY 10, 2016
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